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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/554,344 06/23/2000 FRANSISCUS ELISABETH WILLEM VERVUURT PTT-93 6885

7265 7590 08/18/2005

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EXAMINER

MOORE, IAN N

ART UNIT PAPER NUMBER

2661

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/554,344

Applicant(s)

VERVUURT, FRANSISCUS
ELISABETH WILLEM

Examiner

Ian N. Moore

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claim 2 is rejected by the same ground of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Conoscenti et al (US Patent 5,627,836) in view of Doshi et al (US Patent 5,688,475).

Conoscenti et al discloses an ATM backbone network 15 (physical network) (column 5,13-14). Conoscenti et al further discloses a source 11 (source station) that supplies ATM cells (stream of ATM cells) containing digitized broadcast information via network 15 (column 6, lines 8-10). Conoscenti et al further discloses subscriber stations 17 (destination stations) (column 7, lines 30-31). Conoscenti et al further discloses both a virtual path identifier (VPI) and a virtual channel identifier (VCI) in the administration of an ATM network so that subscribers capture (distinguish) the correct cells (column 6, lines 60-63). The VPI (virtual path identifier) identifies the provider of a program or service (column 6, line 66 - column 7, line 2). The VCI (virtual connection identifier) identifies the broadcast channel (column 7, lines 2-3).

Cononscenti et al, however, does not expressly disclose a group of different destination stations being subdivided into various subgroups of the destination stations, each of the destination stations in each of the subgroups detect VPIs and VCIs.

Doshi et al describes a cell routing concept in an asynchronous transfer mode, ATM, (ATM network) in which a virtual circuit link (virtual connection) is a logical link between two switches (different stations) and is identified by a VCI value (corresponding connection identifier VCI1_n) (column 1, lines 33-35). Similarly, a virtual path link, VPL, (virtual transmission path) is a logical link between two switches identified by a respective VPI value (corresponding virtual path identifier VPIj) (column 1, lines 34-36). A virtual circuit connection, VCC, is an end-to-end connection between two devices and is formed by concatenation (sub-group) of VCLs. Likewise; a virtual path connection is formed by the concatenation (group) of VPLs (column 1, lines 36-41).

A person of ordinary skill in the art would have been motivated to employ Doshi et al in Conoscenti et al to identify a group and subgroup of destination stations. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Conoscenti et al and Doshi et al so as to obtain the invention as specified by claim 2.

Response to Arguments

4. Applicant's arguments filed 4/29/05 regarding claim 2 have been fully considered but they are not persuasive.

The applicant argued that, "...Doshi's concatenation thus involves two or more different VCLs (VCIs)...This means there are different values for the different VCLs (VCIs) in this group of VCLs (VCIs)..." in page 6, paragraph 1.

In response to applicant's argument, the examiner respectfully disagrees with the argument above. Doshi discloses a group of different destination (i.e. a VP group with VPI (VPL)) being subdivided into various subgroups of the destination (i.e. a subgroup of VCs with VCIs (VCL)), each of the destination stations in each of the subgroup detect VPIs and VCIs (i.e. each station detects VPIs and VCIs in ATM network); see col. 1, line 33-36, see col. 6, line 25-52. Examiner is only showing the destination stations are divided in accordance with well-known ATM standard, Virtual Path (VP) with a VPI (i.e. a group of stations) and Virtual Circuit (VC), which are subset/within of VP, with an VCI, and each station detects/recognized VCI/VPI.

Examiner is not sure how "above argument" relates to dividing a group and subgroup limitations, which is recited in the claim. Thus, examiner is believed that Doshi discloses the claimed limitation as set forth in the previous office action.

The applicant argued that, "...there is no teaching or suggestion of subdividing destination into various subgroups or destination stations..." in page 6, paragraph 3.

In response to applicant's argument against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Conoscenti discloses the destination stations (see FIG. 1, subscriber terminal 17₁-17_N). Doshi also

discloses switches/nodes/terminals; see col. 1, line 14-45; see col. 3, line 52-65. As already discuss in the above response, Doshi also discloses subdividing destination into various subgroups or destination stations, by disclosing that a terminals in the VP group are subdivided into various subgroups or destination with VC (with VCI). Thus, the combined system of Conoscenti and Doshi clearly discloses the argued limitation.

The applicant argued, regarding the invention, by giving an example, “...for example, voice, data or video broadcasting from a service provider to a specific group of customers...” in page 6, paragraph 3.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **voice, data or video broadcasting from a service provider**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument, regarding the invention example, the combined system of Conoscenti and Doshi clearly teaches the argued limitation. In particular, Conoscenti discloses voice, data or video broadcasting (see col. 6, line 8-16; broadcasting video service, audio or data service) from a service provider (see FIG. 1, broadcast source 11) to a specific group of customers (see FIG. 1, subscriber terminal 17₁-17_N). Doshi also teaches dividing group into subgroups (VC) as set forth above. Thus, the combined system of Conoscenti and Doshi even teaches the argued example.

The applicant argued that, "...the applicant claimed invention....a VCI equal to the VCI of the virtual connection of said each subgroup of the destination stations.." in page 6, paragraph 3.

In response to applicant's argument, the combined system of Conoscenti and Doshi clearly teaches the argued limitation as set forth in the office action. Moreover, Conoscenti teaches a VCI equal to the VCI of the virtual connection of said each group of the destination stations (see col. 10, line 66 to see col. 11, line 45; see col. 12, line 61 to col. 13, line 45). Note that each video cell of a particular broadcast stream (i.e. HBO, Showtime, or Disney) has the "same" VPI/VCI value directed to each receiving station. Thus, any station has the same VPI/VCI can accept/extract a particular broadcast stream from a broadcast channel (i.e. a VCI equal to the VCI of the virtual connection of said each group). On the other hand, if the station is not subscribed to a particular broadcast stream, it will not be able to extract/view a particular broadcast stream from a broadcast channel (i.e. a VCI equal to the VCI of the virtual connection of said each group). As described in above response, Doshi teaches dividing into the subgroups (VC with VCI). Thus, the combined system of Conoscenti and Doshi still discloses the applicant claimed invention.

In view of the above, **the examiner respectfully disagrees** with applicant's argument and believes that the combination of references as set forth in the 103 rejections is proper, thus, Claim 2 is obvious over Conoscenti in view of Doshi for at least the reasons discussed above.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

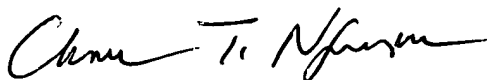
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

INM

8/12/05



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